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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,585	03/25/2004	Rhonda L. Childress	AUS920040120US1	7113
35525	7590	03/07/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PAUL, DISLER	
			ART UNIT	PAPER NUMBER
			2615	
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/809,585	Applicant(s) CHILDRESS ET AL.	
	Examiner DISLER PAUL	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

The examiner will further consider the amended claimed over prior art.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1, 2, 4, 6, 7, 9, 14-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Chen (US 6,397,086 B1).

Re claim 1, Kinzalow et al. disclosed a method for managing an audio system volume in a vehicle (fig.1,3-4), the method comprising: detecting wirelessly a radio frequency transmission having a selected frequency through a sensor, wherein the selected frequency is indicative of an incoming call to be received by a mobile telecommunications device within the vehicle (col.5 line 1-15, col.6 line 6-21,, col.12 line 1-4, col.10 line 50-60) and responsive to detecting the radio frequency transmission, adjusting the audio system volume (col.6 line 10-15, col.12 line 45-49/based on detected volume adjusted),

While, Kinzalow et al. disclose of the above, with the volume controlled, However, Kinzalow et al. is silent in regard of the specific wherein until an absence of the radio frequency transmission occurs indicating that the call has terminated. But, kinzalow et al. did disclose of the detecting means for detecting incoming signal and further converting the signal into radio signal over the speaker for enabling/carrying communication/conversations (col.11 line 25-32, fig.1 (antenna); col.13 line 1-8)), thus with the above, disclosure it is inherent of the specific existence of having such an absence of the radio frequency transmission occurs indicating that the call has terminated.

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While, kinzalow et al. disclose of the above with adjusting the volume, However, Kinzalow et al. fail to disclose of the specific wherein the volume is reduced based on detecting radio frequency. Chen disclose of the specific wherein the volume is reduced based on detecting radio frequency (fig.1,4-7; col.2 line 17-24 & line 30-37) for purpose preventing the cellular phone from interfering with the audio system. Thus, taking the combined teaching of Kinzalow et al. and Chen as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify kinzalow et al. by incorporating the specific wherein the volume is reduced based on detecting radio frequency for purpose preventing the cellular phone from interfering with the audio system.

Re claim 2, the method of claim 1, wherein the mobile telecommunications device is a global system for a mobile communications phone (col.4 line 54).

Re claim 4, the method of claim 1, wherein the audio system volume is reduced to zero decibels (Chen, col.2 line 23-24 & line 35-37).

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Re claim 6, the method of claim 1, wherein the sensor is an antenna configured to detect radio frequency signals (fig.3 wt (14,26,18); col.2 line 55-56).

Re claim 7, the method of claim 1, wherein the vehicle is an automobile (col.3 line 66 & line 47).

Re claim 9 has been analyzed and rejected with respect to claim 1 above.

Re claim 14, Kinzalow et al. disclose of an apparatus for controlling an audio system volume (fig.3), the apparatus comprising: a radio unit; a sensor (fig.3 wt (16,14,26); col.5 line 35-43); and a controller connected to the radio unit and the sensor wherein the controller sends a signal to the radio unit to reduce volume when an indication is received from the sensor that a radio frequency signal indicating an incoming call to be received by a mobile phone has been detected wirelessly and the volume remains adjusted (fig.3 wt (10), col.6 line 10-15,col.12 line 45-49/based on detected volume adjusted).

While, Kinzalow et al. disclose of the above, with the volume controlled, However, Kinzalow et al. is silent in regard of the specific wherein until an absence of the radio frequency transmission occurs indicating that the call has terminated. But, kinzalow et al. did disclose of the detecting means for detecting incoming signal and

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further converting the signal into radio signal over the speaker for enabling/carrying communication/conversations (col.11 line 25-32, fig.1 (antenna), col.13 line 1-8)), thus with the above, disclosure it is inherent of the specific existence of having such an absence of the radio frequency transmission occurs indicating that the call has terminated.

While, kinzalow et al. disclose of the above with adjusting the volume, However, Kinzalow et al. fail to disclose of the specific wherein the volume is reduced based on detecting radio frequency. Chen disclose of the specific wherein the volume is reduced based on detecting radio frequency (fig.1,4-7; col.2 line 17-24 & line 30-37) for purpose preventing the cellular phone for not interfering with the audio system. Thus, taking the combined teaching of Kinzalow et al. and Chen as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify kinzalow et al. by incorporating the specific wherein the volume is reduced based on detecting radio frequency for purpose preventing the cellular phone for not interfering with the audio system.

Re claim 15, a data processing system for managing an audio system volume in a vehicle (fig.2,7), the data processing system comprising: wireless detecting means for detecting wirelessly , a radio frequency transmission having a selected frequency through a

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sensor, wherein the selected frequency is indicative of an incoming call to be received by a mobile telecommunications device within the vehicle (col.5 line 1-15,col.6 line 6-21,, col.12 line 1-4, col.10 line 50-60); and adjusting means, responsive to detecting the radio frequency transmission, for adjusting the audio system volume (col.6 line 10-15,col.12 line 45-49/based on detected volume adjusted).

While, Kinzalow et al. disclose of the above, with the volume controlled, However, Kinzalow et al. is silent in regard of the specific wherein until an absence of the radio frequency transmission occurs indicating that the call has terminated. But, kinzalow et al. did disclose of the detecting means for detecting incoming signal and further converting the signal into radio signal over the speaker for enabling/carrying communication/conversations (col.11 line 25-32, fig.1 (antenna), col.13 line 1-8)), thus with the above, disclosure it is inherent of the specific existence of having such an absence of the radio frequency transmission occurs indicating that the call has terminated.

While, kinzalow et al. disclose of the above with adjusting the volume, However, Kinzalow et al. fail to disclose of the specific wherein the volume is reduced based on detecting radio frequency. Chen disclose of the specific wherein the volume is reduced based on detecting radio frequency (fig.1,4-7; col.2 line 17-24 & line 30-37)

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for purpose preventing the cellular phone for not interfering with the audio system. Thus, taking the combined teaching of Kinzalow et al. and Chen as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify kinzalow et al. by incorporating the specific wherein the volume is reduced based on detecting radio frequency for purpose preventing the cellular phone for not interfering with the audio system.

Re claim 16 has been analyzed and rejected with respect to claim 2.

Re claim 18, the data processing system of 15, wherein the data processing system is a computing platform for a vehicle (fig.3 wt (10)).

Re claims 19-20 have been analyzed and rejected with respect to claims 12-13 respectively.

3. Claims 5,12-13 are rejected under 35 U.S.C. 102(b) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Chen (US 6,397,086 B1) and further in view of Han et al.(US 2004/0151336 A1).

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Re claim 5, the method of claim 1, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the audio system volume is reduced to a preselected volume. However, Han et al. disclose of a system wherein the similar concept of the audio system volume is reduced to a preselected volume (par[0010,0017]) for preventing the injuring of the humans ear during mode listening operation. Thus, taking the combined teaching of the combined teaching of Kinzalow et al. and Chen and Han et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify the the combined teaching of Kinzalow et al. and Chen as a whole, by incorporating the similar concept of the audio system volume is reduced to a preselected volume for preventing the injuring of the humans ear during mode listening operation.

Re claim 12 has been analyzed and rejected with respect to claim 5.

Re claim 13, the method of claim 12, wherein the preselected volume is used or configured (par[0010]).

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4. Claim 10 is rejected under 35 U.S.C. 102(b) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Chen (US 6,397,086 B1) and further in view of Tanaka et al. (US 6,671,509 B1).

Re claim 10, the method of claim 9, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the another radio frequency transmission is a request by the mobile telecommunications device to disconnect the call. But, Tanaka et al. disclose of a mobile station wherein the similar concept of having as radio frequency transmission is a request by the mobile telecommunications device to disconnect the call (fig.1-2, col.12 line 45-54 & col.4 line 11-34) for terminating the communication between the systems. Thus, taking the combined teaching of Kinzalow et al. and Chen and Tanaka et al. as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have modify the combined teaching of Kinzalow et al. and Chen as a whole, by incorporating the similar concept of having as radio frequency transmission is a request by the mobile telecommunications device to disconnect the call for terminating the communication between the systems.

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5. Claims 3,17,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Chen (US 6,397,086 B1) and further in view of Official Notice.

RE claim 3, the combined teaching of Kinzalow et al. and Chen as a whole, teach of the method of claim 1, wherein the incoming phone calls and selected frequency are being transmitted over the radio system (fig.7; col.6 line 32, col.5 line 52-59), However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the specific of wherein the selected frequency has a range from about 890 MHz to about 960 MHz. However, official notice is taken that the concept of transmitting such selected frequency in the range of 890 MHz to about 960 MHz is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the specific of transmitting such selected frequency in the range of 890 MHz to about 960 MHz for the purpose of reproducing the incoming phone calls of the audio signals over the radio system speakers.

Re claim 17 has been analyzed and rejected with respect to claim

3.

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Re claim 11, the combined teaching of Kinzalow et al. and Chen as a whole, disclose the method of claim 9 with transmitting radio frequency signals in the form of audio signals (fig.4-7, col.6 line 32, col.5 line 52-59), However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose the specific of having the radio frequency transmission is a paging message transmitted to the mobile telecommunications device. However, official notice is taken the concept of transmitting the radio frequency in the form of paging messages over the phone device is commonly known in the art and further the system would have compatible to implement such feature since text messages and voice messages are both can be transmitted by the same means of radio frequency with the same protocol which is incorporated in the combined teaching of Kinzalow et al. and Chen as a whole, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the transmitting the radio frequency in the form of paging messages over the phone device for the purpose of providing additional and non-audible means of communicating.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinzalow et al. (US 6,052,603 B1) and Chen (US 6,397,086 B1) and further in view of Nguyen et al. (2004/0078104 A1).

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Re claim 8, the method of claim 5, However, the combined teaching of Kinzalow et al. and Chen as a whole, fail to disclose of the wherein the preselected volume is user configurable. However, Nguyen et al. disclose of having a system wherein the preselected volume is user configurable (fig.1 (104; page 2[0033] line 7-10; page 5[0071]) for the purpose of allowing the user to hear the caller and yet continue enjoying the audio sound system at the same time. Thus, taking the combined teaching of Kinzalow et al. and Chen and Nguyen et al. as a whole, it would have been obvious at the time of the invention to have incorporated the having a system wherein the preselected volume is user configurable for the purpose of allowing the user to hear the caller and yet continue enjoying the audio sound system at the same time.

Conclusion

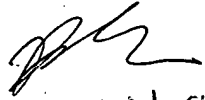
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER